

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8013 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

RAJESHWAR R PRASAD

Versus

DEAN

Appearance:

MR PK PANCHOLI for Petitioner

MR M. SHELAT FOR MR SN SHELAT for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 02/03/2001

ORAL JUDGEMENT

1. The petitioner had sought a direction on the respondent to give him admission in Part Time Diploma Course of Mechanical Engineering. Interim relief was refused when rule was issued in the petition on 25-8-1993.

2. According to the petitioner, his father originally belonged to Uttar Pradesh. They were of Chamar community, which was recognised as Schedule Caste in Uttar Pradesh as well as in State of Gujarat. The caste certificate was issued by the Mamlatdar on 3-10-1986 showing that the petitioner was of Chamar community. This was issued on the basis of his father's certificate which was issued by the District Magistrate of Dewaria. On the basis of the caste certificate, the petitioner applied for admission in Part Time Degree Course in Faculty of Technical Engineering, M.S. University, Vadodara. According to him, out of sixty seats, two seats were reserved for schedule caste as per the notification dated 7-5-1993. Thereafter, merit list was prepared in which his name was at Srl. No. 53. He was interviewed on 5-8-1993 and was asked to bring a fresh schedule caste certificate.

3. In the affidavit in reply filed by the respondent it is stated that, under the Rules, reservation for S.C., S.T. and S.E.B.C. students is as per the Rules made by the State Government and under Rule 7.1.2, the petitioner had failed to qualify as a candidate belonging to schedule caste in the State of Gujarat. The petitioner had produced the certificate dated 3rd October 1986 which was prior to the judgement of the Supreme Court and he was required to produce the certificate in accordance with the new Rule 7.1.1. He had committed that he will bring the schedule caste certificate of the competent authority by 9-8-1993 and that, if he did not bring the same, his claim of admission would automatically get cancelled. The petitioner did not produce any certificate required as per the Rules. It is stated that the reservation for S.C. / S.T. candidates is available for students who are recognised as such in the State of Gujarat, and therefore, such certification was required.

4. It is clear from the affidavit in reply that there was a valid reason for not granting admission to the petitioner against the schedule caste seat. The certificate as required by Rule 7.1.1 was not produced. In any event, the period of granting admissions as per the notification dated 7-5-1993 having been elapsed, the petition has become infructuous. The petition is therefore rejected. Rule is discharged with no orders as to costs.

MARCH 02, 2001 [R.K.ABICHANDANI, J.]

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